

REMARKS

Claims 3, 4, 34, and 72 have been amended, claims 36 and 74 have been cancelled, and new claims 80-82 have been added. No new matter is introduced by the amendments or the new claims. For example, the amendments of claims 34 and 72 are supported on page 20, lines 11-24, among other places. Accordingly, claims 1-35, 37-73, and 75-82 remain pending.

The Examiner rejected claims 1-4, 16, 19-21, 30, 33, 40-42, 54, 57-59, 71-71, and 78-79 under 35 U.S.C. §102(e) as being anticipated by Leighton et al. (U.S. 2002/0129134). However, it is respectfully submitted that the Leighton reference is not a valid §102(e) reference since applicant's effective filing date pre-dates the Leighton reference's critical date. Under MPEP §706.02, the effective filing date of an application which claims priority to a U.S. provisional application is the filing date of the provisional. Since the present application claims priority to U.S. provisional application 60/168,862 which has a filing date of 2 December 1999, the effective filing date of the present application is also 2 December 1999. This effective filing date pre-dates the earliest claimed priority date the Leighton reference (26 May 2000)

Since the reference Leighton has been removed as prior art against independent claims 1, 20, 40, 58, 78, and 79, it is respectfully submitted that these claims are patentably distinct. New claims 80 and 81 have limitations which are similar to claims 1 and 20 and are submitted to be patentable for the same reasons as claims 1 and 20. Claims 2-19, 21-33, 41-57, and 59-71 each depend directly from independent claims 1, 20, 40, 58, 78, or 79, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 20, 40, 58, 78, and 79. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

The Examiner has also rejected independent claim 34 as being apparently anticipated under 35 U.S.C. §102(e) by Malkin (US 6,247,054). The Examiner's rejection of claim 34 is respectfully traversed as follows.

Claim 34 is directed towards a method of "reinserting a redirected packet into a flow between a first processing device and a second processing device." Claim 34 also requires "receiving a redirected packet from a third processing device in a fourth processing device, wherein the third processing device has redirected the redirected packet from the second processing to the fourth processing device" and "returning the packet back to the third processing device for transmission to the second processing device, wherein the returning is performed by the fourth processing device." In this embodiment, a server that has packets redirected to it returns such redirected packets back to the device which redirected the packets so that the

packets may be transmitted to their original destination. Independent claim 72 is directed towards a processing system having components for performing similar operations as claim 34. Independent claim 82 is directed towards an apparatus having means for performing similar operations as claim 34.

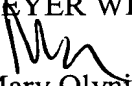
The reference Malkin discloses an NAS for redirecting packets to a redirection server. The NAS simply encapsulates each packet before sending it to the redirection server so that the redirection server can remove the encapsulation and determine the original destination of the packet. The redirection server can then spoof the original destination. See Col. 3, Lines 21-40 and Col. 4, lines 8-20. Malkin fails to teach or suggest that the redirection server returns the redirected packet, in the manner claimed. The redirection server simply handles the redirected packet and does not return the redirected packet back to the NAS for the NAS to then transmit the returned packet back to its original destination, in the manner claimed. See Col. 4, Lines 44-51. Accordingly, it is respectfully submitted that claims 34, 72, and 82 are patentable over Malkin.

Claims 35-39 and 73-77 each depend directly from independent claims 34 or 72 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 34 and 72. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

The Examiner has also rejected claims 36 and 74 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. The Examiner asserts that on page 21 of the specification and also in claims 36 and 74, the applicant describes how encapsulation process is performed in a GRE packet without explaining further about a GRE packet. Claims 36 and 74 have been cancelled without prejudice so as to expedite prosecution and, accordingly, this rejection is moot.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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